

**CALENDAR ITEM
C76**

A 33

04/23/15

PRC 8996.9

S 16

R. Collins

CONSIDERATION OF AN AMENDMENT OF LEASE

LESSEES:

John Anthony Tesoriero and Kimberly Joan Tesoriero, Trustees of the John and Kimberly Tesoriero Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Colorado River, adjacent to 1134 Beach Drive, City of Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of existing stairs, concrete boardwalk, and riprap bankline located on State sovereign land.

LEASE TERM:

10 years, beginning May 24, 2012.

CONSIDERATION:

Stairs and Concrete Boardwalk: Public use and benefit, subject to compliance with unobstructed pedestrian ingress, egress, and regress from the adjacent Public Pedestrian Access Easement.

Riprap Bankline: Public use and benefit, with the State reserving the right to set a monetary consideration if it is determined to be in the best interest of the State.

BACKGROUND:

On May 24, 2012, the Commission authorized the issuance of Lease No. PRC 8996.1, a General Lease – Recreational and Protective Structure Use to John Anthony Tesoriero and Kimberly Joan Tesoriero, Trustees of the John and Kimberly Tesoriero Family Trust, for a period of 10 years, for the use and maintenance of existing stairs, concrete boardwalk, and riprap bankline.

On August 14, 2012, as a result of numerous comments received following the issuance of boat dock leases on the Colorado River in the Rio Buena Vista (RBV) community in the city of Needles, the Commission suspended leasing

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activity for new boat docks and directed staff to conduct an analysis of the Public Trust needs in the area and report back to the Commission. In October 2012, Commission staff visited the site, held a public meeting in the RBV community and took comments on issues of importance from the owners and residents.

At the December 5, 2012 Commission meeting, staff presented its report on the Public Trust needs (Calendar Item 85). The report recognized the existence of two sandy beaches that are used extensively throughout the year by both riverfront and inland residents of the community, as well as members of the public. The report also indicated that if boat docks were authorized for all beachfront owners, the public's Public Trust needs, values and uses of the recognized beach areas would be significantly impacted. The Commission authorized staff to resume processing applications for boat docks in the RBV community on a case-by-case basis consistent with the Commission's practices on leasing on inland waterways and the Public Trust needs identified in the area.

On February 22, 2013, Commission staff brought Lease No. PRC 8996.1 to the Commission to amend the consideration for the stairs to be the public use and benefit, consistent with the Commission's direction for leasing in the RBV community provided on December 5, 2012.

On February 3, 2014, Commission staff received an application from the Lessees requesting an amendment to the Lease for the construction, use, and maintenance of an aluminum stairway, walkway, gangway with railing, and floating boat dock.

STAFF ANALYSIS AND RECOMMENDATION:

As described in the Commission's December 2012 staff report, the public trust needs and uses in the RBV community are unique due to the density and nature of the RBV development along the Colorado River, the physical configuration of the Colorado River at this location, including the wingdams and riprap structures, beach access, and the existence of the public access easement along the riverfront of the community. There are two recognized sandy beaches within the stretch of river comprising the RBV community. These two beaches are used extensively throughout the year by both riverfront and inland residents of the community, as well as members of the public. The general premise of users within the community has been a "first come, first serve" basis. Users bring towels, chairs and shade structures to reserve their space on the beach. Others will pull their boats directly up onto the beach. There is a publicly-owned beach immediately adjacent to the RBV community; however, the quality of the beach at that location is questionable and, unlike the RBV beaches, there is not much evidence of regular use.

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The upland property adjacent to the lease premises, located at 1134 Beach Drive and shown on Exhibit B for informational purposes, lies within the projection lines of one of the two recognized Beach Areas in the RBV community. Based on the Commission's assessment of the Public Trust needs at this location, staff recommends that the Commission deny the Lessee's application to amend the Lease to allow for the construction, use, and maintenance of an aluminum stairway, walkway, gangway with railing, and floating boat dock. Staff believes these improvements will have a negative impact on the public's access and enjoyment of the beach area at this location.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjacent to the lease premises.
2. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: Public Resources Code section 21080, subdivision (b)(5) and California Code of Regulations, Title 14, section 15270, subdivision (a).

EXHIBITS:

- A. Recognized Beach Areas per December 5, 2012 Calendar Item
- B. Upland Property Location

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

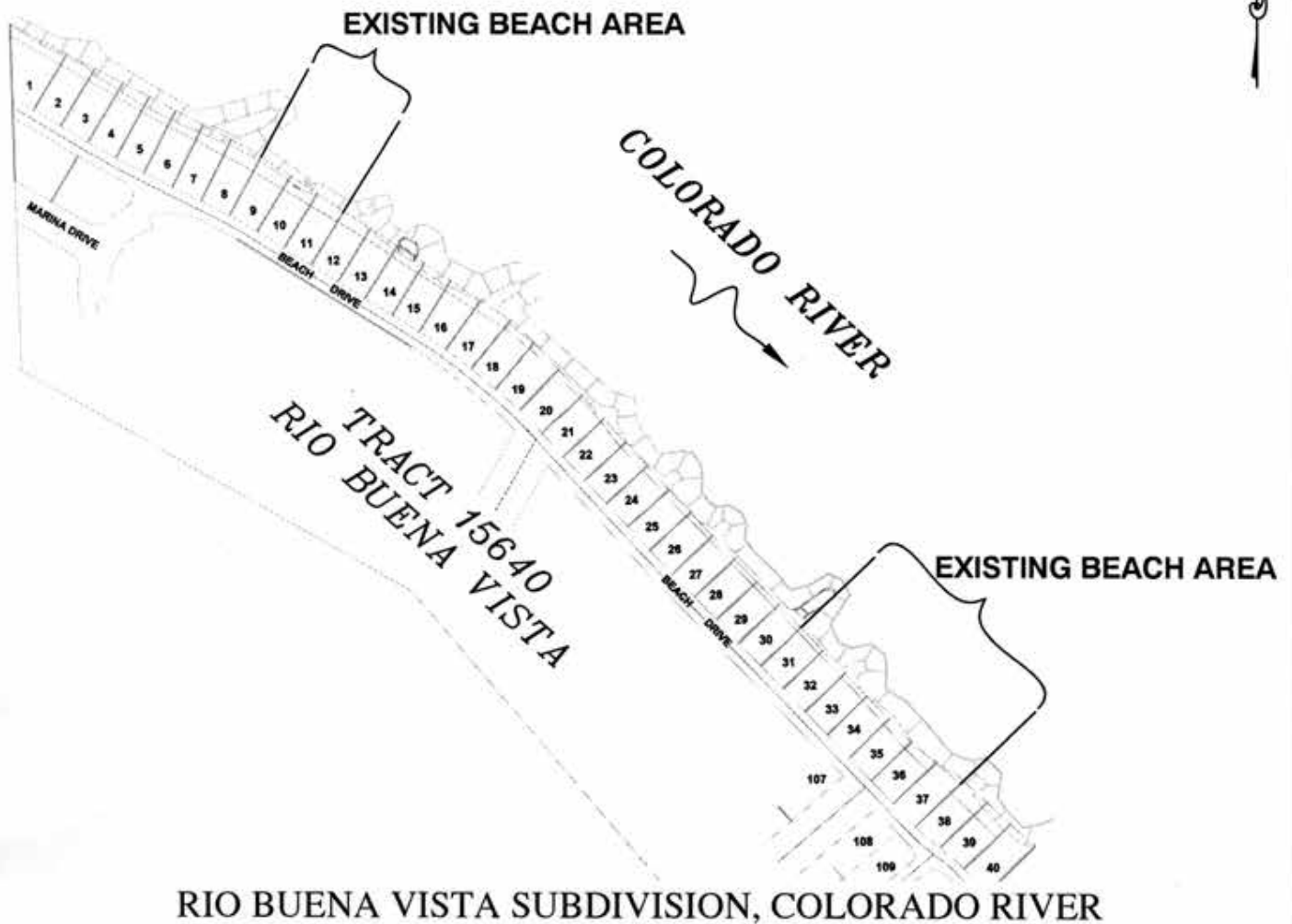
Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(5) and California Code of Regulations, Title 14, section 15270, subdivision (a), projects which a public agency rejects or disapproves.

AUTHORIZATION:

Deny the application to amend Lease No. PRC 8996.9 to allow for the construction, use, and maintenance of an aluminum stairway, walkway, gangway with railing, and floating boat dock.

NO SCALE

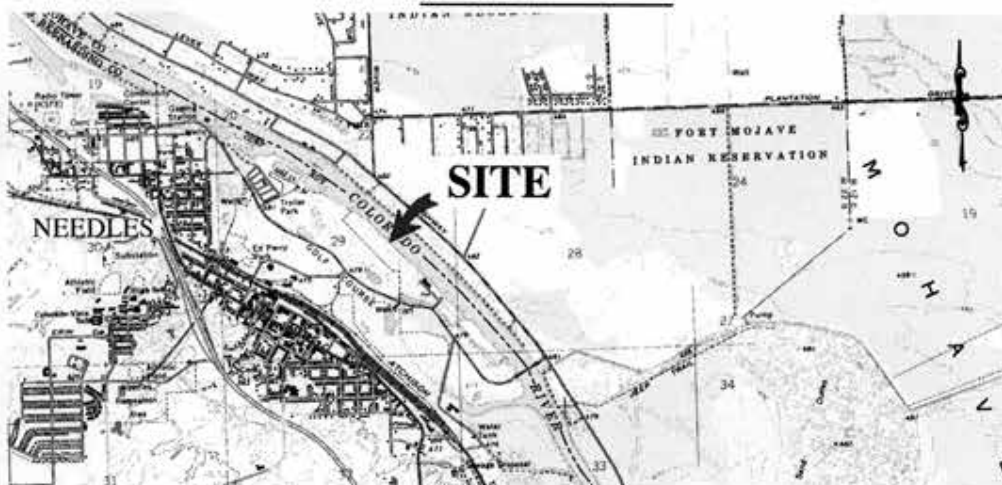
SITE



RIO BUENA VISTA SUBDIVISION, COLORADO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 8996.9
EXISTING BEACH AREAS
RIO BUENA VISTA
SUBDIVISION
CITY OF NEEDLES
SAN BERNARDINO COUNTY



DJF 03/17/2015

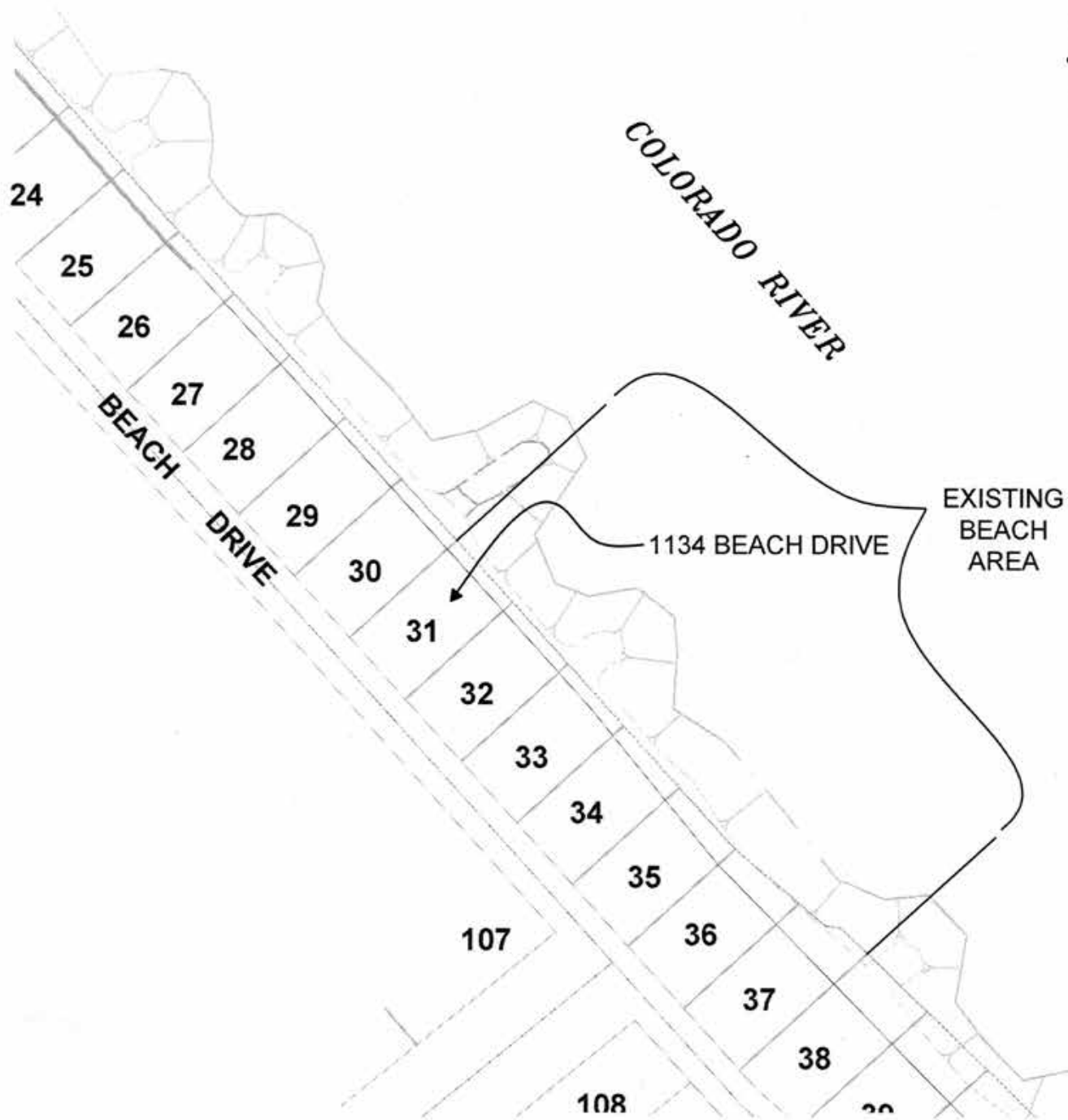


EXHIBIT B

DJF 03/18/2015

1134 BEACH DRIVE
PRC 8996.9, RIO BUENA VISTA SUBDIVISION
NEEDLES, SAN BERNARDINO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

